

United States District Court

For the Northern District of California

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8 SAN RAFAEL ELEMENTARY SCHOOL
9 DISTRICT,

10 No C 03-5783 VRW

11 ORDER

12 Plaintiff,

13 v

14 CALIFORNIA SPECIAL EDUCATION
15 HEARING OFFICE,

16 Defendant,

17 and

18 A K, a minor,

19 Real Party in Interest.

20 _____ /

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22 The court stayed proceedings in this matter pending the
23 Supreme Court's decision in Schaffer ex rel Schaffer v Weast, 125 S
24 Ct 1300 (2005). Doc #115. The court is in receipt of counsel's
25 letter informing the court that the Supreme Court has rendered its
26 decision, 126 S Ct 528 (2005), and requesting leave to submit
27 supplemental briefing. The clerk is DIRECTED to file counsel's
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1 letter.

2 Counsel's request is well taken, given that the Supreme
3 Court's decision appears, in effect, to abrogate Clyde K v Puyallup
4 Sch Dist No 3, 35 F3d 1396 (9th Cir 1994), which placed the burden
5 of proof at the administrative level upon the school district. The
6 request for leave to submit supplemental briefing is accordingly
7 GRANTED. The parties are invited to submit simultaneous briefing
8 regarding the effect of Schaffer upon this matter. Briefing shall
9 not exceed twelve pages and shall be submitted on or before January
10 20, 2006.

11 The parties are ORDERED to appear for a further case
12 management conference on February 7, 2006, at 9:00 am, or at such
13 other time as the parties may mutually arrange with the courtroom
14 deputy, Ms Cora Delfin, 415-522-2039. The parties shall submit a
15 case management statement in conformance with Civ L R 16-10(d).

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17 IT IS SO ORDERED.

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20 VAUGHN R WALKER

21 United States District Chief Judge

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